

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRAVELERS CASUALTY AND SURETY
COMPANY as Administrator for RELIANCE
INSURANCE COMPANY,

Plaintiff,

vs.

DORMITORY AUTHORITY - STATE OF NEW
YORK, TDX CONSTRUCTION CORP., and KOHN
PEDERSEN FOX ASSOCIATES, P.C.,

Defendants.

DORMITORY AUTHORITY OF THE STATE OF
NEW YORK and TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

vs.

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

TRATAROS CONSTRUCTION, INC. and
TRAVELERS CASUALTY AND SURETY
COMPANY,

Fourth-Party Plaintiffs,

vs.

CAROLINA CASUALTY INSURANCE
COMPANY, BARTEC INDUSTRIES INC.;
DAYTON SUPERIOR SPECIALTY CHEMICAL
CORP. a/k/a DAYTON SUPERIOR
CORPORATION; SPECIALTY CONSTRUCTION
BRANDS, INC. t/a TEC; KEMPER CASUALTY
INSURANCE COMPANY d/b/a KEMPER
INSURANCE COMPANY; GREAT AMERICAN
INSURANCE COMPANY; NATIONAL UNION
FIRE INSURANCE COMPANY OF PITTSBURGH,
PA.; UNITED STATES FIRE INSURANCE
COMPANY; NORTH AMERICAN SPECIALTY
INSURANCE COMPANY; ALLIED WORLD
ASSURANCE COMPANY (U.S.) INC. f/k/a
COMMERCIAL UNDERWRITERS INSURANCE
COMPANY; ZURICH AMERICAN INSURANCE
COMPANY d/b/a ZURICH INSURANCE

Case No. 07-CV-6915 (DLC)

Consolidated with:
Case No. 08-CV-6239 (DLC)
ECF CASE

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/14/2011

CONSENT ORDER

COMPANY; ASSURANCE COMPANY OF AMERICA; OHIO CASUALTY INSURANCE COMPANY d/b/a OHIO CASUALTY GROUP; HARLEYSVILLE MUTUAL INSURANCE COMPANY (a/k/a HARLEYSVILLE INSURANCE COMPANY,); JOHN DOES 1-20 and XYZ CORPS.
1-19,

Fourth-Party Defendants.

KOHN PEDERSEN FOX ASSOCIATES, P.C.,
Third-Party Plaintiff,

vs.

WEIDLINGER ASSOCIATES CONSULTING ENGINEERS, P.C., CASTRO-BLANCO PISIONERI AND ASSOCIATES, ARCHITECTS, P.C., ARQUITECTONICA NEW YORK, P.C., COSENTINI ASSOCIATES, INC., CERMAK, PETERKA PETERSEN, INC., JORDAN PANEL SYSTEMS CORP., TRATAROS CONSTRUCTION, INC. and LBL SKYSYSTEMS (U.S.A.), INC.,

Third-Party Defendants.

WHEREAS, Bartec Industries, Ltd. ("Bartec"), Dormitory Authority of the State of New York ("DASNY"), TDX Construction Corp., ("TDX"), and Kohn Pedersen Fox Associates, P.C. ("KPF") have negotiated a Settlement Agreement and Liquidating Agreement concerning all claims pending between the aforesaid parties (the "Settling Parties"); and

WHEREAS, Bartec's liability to DASNY has been liquidated and Bartec has agreed to assign to DASNY its respective causes of action and claims against Carolina Casualty Insurance Company ("Carolina") and Dayton Superior Specialty Chemical Corp. a/k/a Dayton Superior Corp. ("Dayton Superior") in these consolidated actions;

NOW THEREFORE, IT IS HEREBY ORDERED THAT, as a result of the settlement by the Settling Parties, DASNY shall pursue Bartec's cross-claims against Carolina and Dayton Superior in this action in DASNY's own name;

so ordered.
Heins Feb. 14, 2011

Dated: February 12, 2011

HOLLAND & KNIGHT

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State of New York and TDX Construction
Corp.*

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SO ORDERED:

HONORABLE DENISE L. COTE, U.S.D.J.